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By Fax
The Honorable Lois Bloom
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

October 25, 2005

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ OCT 28 2005 ★

P.M.
TIME A.M.

RE: Meriblat v. Rios, et al.
Case No. 05 CV 1021 (RJD) (LB)

Dear Magistrate Bloom,

My office represents the individual defendants Thomas J. Manton, Gerard J. Sweeney and Michael H. Reich in this action. I have conferred with the attorneys representing the co-defendants and, on behalf of all, request that the Court stay our compliance with Rule 26 (f) and any other discovery exchanges prior to resolution of the impending motions to dismiss pursuant to Rule 12 (b) (6).

As the Court is aware, upon receipt of the Complaint of all of the defendants requested a pre-motion conference seeking permission to respond to the complaint with a motion to dismiss. The Court instead referred the case for mediation which was unsuccessful. The current Order of the Court requires a response to the complaint by October 28, 2005, sets the initial conference for November 10, 2005 and reminds the parties of their obligations under Rule 26 (f). As all defendants intend to respond to the Complaint by filing a motion to dismiss rather than by answer, it is respectfully suggested that any exchange of discovery would be premature and unfair to any party who will be dismissed from the case.

Thank-you for your attention to this request. If there is any question please do not hesitate to call the undersigned at any time.

Sincerely,

John E. Quinn, Esq.

Judith B. Meriblat, Esq.
98-51 65th Avenue Apt. 2M
Rego Park, N.Y. 11374

JEQ:cr

cc: Madeline Egelfeld, Esq.
Attorneys for Defendant Karen Koslowitz
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Dean Speres, AAG
Attorney for remaining Defendants
By Fax 212-385-2558

The parties shall appear for the scheduled conference on November 10, 2005, but they are relieved of their obligations under 26(f).

SO ORDERED:

Lois Bloom
United States Magistrate Judge

October 26, 2005

clm